

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1397 be amended to read as follows:

- 1 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 2 **"Sec. 5.5. As used in this chapter, "dealer" means a person who:**
- 3 **(1) is engaged in the business of buying, selling, leasing, or**
- 4 **exchanging property described in subdivision (2); and**
- 5 **(2) sells, leases, or advertises the sale or lease of more than**
- 6 **four (4):**
- 7 **(A) motor vehicles;**
- 8 **(B) pieces of construction equipment;**
- 9 **(C) farm tractors;**
- 10 **(D) tractors;**
- 11 **(E) recreational vehicles; or**
- 12 **(F) truck campers;**
- 13 **within a twelve (12) month period."**
- 14 Page 3, line 7, after "10." insert **"(a)".**
- 15 Page 3, line 13, delete "corporation" and insert **"dealer selling the**
- 16 **property"**.
- 17 Page 3, between lines 14 and 15, begin a new paragraph and insert:
- 18 **"(b) The term does not include the purchase of any property**
- 19 **described in subsection (a) for the purpose of resale."**
- 20 Page 4, line 31, delete "20(c)" and insert **"21"**.
- 21 Page 4, line 35, delete "(a)".
- 22 Page 4, line 40, delete "corporation" and insert **"dealer selling the**
- 23 **property"**.
- 24 Page 4, delete line 42, begin a new paragraph and insert:

1       **"Sec. 21. (a) This subsection does not apply to a motor vehicle**  
 2       **that is subject to subsection (b). A dealer shall certify that a motor**  
 3       **vehicle, farm tractor, construction equipment, tractor, recreational**  
 4       **vehicle, or truck camper is made in America if the motor vehicle,**  
 5       **farm tractor, construction equipment, tractor, recreational vehicle,**  
 6       **or truck camper has been assembled in America.**

7       **(b) This subsection applies only to a motor vehicle that is a truck**  
 8       **having a gross declared weight of not more than eleven thousand**  
 9       **(11,000) pounds or a passenger motor vehicle (as defined by**  
 10       **IC 9-13-2-123). A dealer shall certify that a motor vehicle is made**  
 11       **in America if the motor vehicle satisfies either of the following:**

12       **(1) The motor vehicle is assembled in Indiana.**

13       **(2) The motor vehicle satisfies all of the following:**

14       **(A) The motor vehicle must be assembled in America.**

15       **(B) The engine of the motor vehicle must be assembled in**  
 16       **America.**

17       **(C) The transmission of the motor vehicle must be**  
 18       **assembled in America.**

19       **(D) At least seventy percent (70%) of the parts contained**  
 20       **in the motor vehicle must be made in America.**

21       **(c) The certifications required by this section must be made on**  
 22       **a form prescribed by the corporation and must be signed by the**  
 23       **dealer under penalty of perjury. The corporation shall make the**  
 24       **forms available on the web site maintained by the corporation. The**  
 25       **certification form must be made available so that an individual can**  
 26       **download the form for completion.**

27       **(d) A copy of the certification received under this section must**  
 28       **be submitted to the department under section 19 of this chapter for**  
 29       **each qualified investment for which the qualified taxpayer wishes**  
 30       **to claim a tax credit under this chapter in a taxable year.**

31       **Sec. 22. The following apply to any person who issues a**  
 32       **certification described in section 21 of this chapter:**

33       **(1) The person consents that the person (and any successor in**  
 34       **interest of the person) will be subject to the jurisdiction of**  
 35       **Indiana courts.**

36       **(2) The person consents that service of process in accordance**  
 37       **with the Indiana Rules of Trial Procedure is proper service**  
 38       **and subjects the person (and any successor in interest of the**  
 39       **person) to the jurisdiction of Indiana courts.**

40       **(3) The person consents that any civil action related to the**

1        **provisions of this chapter and in which the person (or any**  
2        **successor in interest of the person) is a party will be heard in**  
3        **an Indiana court.".**

4        Delete page 5.

(Reference is to HB 1397 as printed February 6, 2009.)

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Representative Niezgodski